

**CODE ENFORCEMENT OFFICE**

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TO: Development Review Board

FR: Jeanne Francis, Zoning Spécialiste, Code Enforcement Office

DT: February 4, 2014

RE: Report on Appeal ZL 14-0666 AP: Failure to Answer Written Complaint Within 30 Days from Date of Submission, for Premises Located at 85 Crescent Road, Burlington, Vermont

.....
Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Location: 85 Crescent Road, Burlington, Vermont **Tax Lot #** 058-1-078-000

Appellant: Frederick P. Tiballi

Applicable Regulations: Title 24 Section 4472 and CDO Articles 2 §2.7.5, and 12 §12.2.4 and §12.2.5

Background Information:

- Appellant submitted a 78 page complex written complaint on November 26, 2013, alleging violations at 85 Crescent Road. Date and time of alleged zoning violation is from June 15, 1995 to date. Alleged Zoning Violations identified:
 - Construction without an approved Zoning permit
 - New Business (change of use) without an approved Zoning Permit
 - Change in Number of Units (change of use) without an approved Zoning Permit
 - Occupancy without a Zoning Certificate of Occupancy as to boarding house use – 3 rooms
 - Exterior changes without an approved Zoning Permit
 - Site improvements, excavation or fill without an approved Zoning Permit
 - Subdivision without an approved Zoning permit.
 - Unmet Conditions of Approval/Property Inconsistent with approved plans
 - Other change of use or expansion of use without approval
 - Additional information: “Because of the time period and the number of separate allegations of violations of the zoning ordinance, please see attached written and signed complaint pursuant to Article 2 §2.7.5 and Article 2 § 2.7.6”

Appeal:

Appeal alleges that the City failed to act upon the violation complaint within 30-days of submittal, i.e. December 30, 2013 (see attached)

Findings:

1. Burlington Comprehensive Development Ordinance, Article 2 Sec. 2.7.5 Observation or Complaints of Violations

Upon receipt of a written, signed complaint alleging a violation of this ordinance, the administrative officer shall investigate the complaint, take whatever action is warranted, and, if requested, inform the complainant in writing of actions that have been taken.

The observation of a violation on the part of the administrative officer shall be considered an Investigation, and the alleged violator may be issued a notice of zoning violation or a municipal civil complaint ticket.

This section states the requirement to investigate complaints, it does not specify any time frame to complete an investigation.

2. Burlington Comprehensive Development Ordinance, Article 3 Sec. 3.2.7 Administrative Review and Approval

Pursuant to the provisions of 24 V.S.A. Section 4464(c), this section provides for the administrative review and approval of new development and amendments to previously approved development

(c) Administrative Decisions:

The administrative officer shall act with regard to an application subject to administrative review pursuant to this section within 30 days of receiving a complete application. Decisions to deny the application shall be sent by certified mail to the applicant, and shall contain a statement of the period of time within which an appeal may be taken pursuant to the requirements of Article 12. A notice of a decision made in favor of the applicant shall be posted in a public place pursuant to Sec. 3.2.9(c).

Should the administrative officer fail to take such action, a permit shall be deemed granted on the 31st day pursuant to 24 VSA 4448(d).

There is a 30-day provision for the administrative officer to act but only “with regard to an application”. The complaint filed is not an application for development and thus the 30-day provision does not apply to a determination regarding a complaint.

Appellant also cites Title 24 Section 4472, Article 12 §12.2.4 and §12.2.5. These sections refer to exclusive remedy regarding action or failure to act as well as finality. There has not been a failure to act in this instance nor any finality as the complaint is under investigation by the Code Enforcement Office. The 30 day time constraint and deemed approval remedies do not apply to zoning violation complaints.

Recommendation Based on the above findings the Code Enforcement Office recommends that the DRB deny the appeal recognizing that investigating and issuing a determination on a 78 page complaint as submitted by Appellant is not an application for development and thus is not subject to a 30-day specific regulatory time frame.



Department of Planning and Zoning

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DEPARTMENT OF
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Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 85 Crescent Road

Subject Property Owner: Sherrill N. Musty, Trustee

Appellant: Frederick P. Tiballi

Agent/Representative: _____

Mailing Address: 20 Crescent Terrace

City, St, Zip: Burlington VT

Day Phone: 658-6863 Email: PAPA.T@Comcast.net

Appellant Signature: [Signature] Date: 12/30/2013

In order for your request to be considered complete, **ALL** of the following information **must** be provided, as applicable:

- ☒ The Appeal fee of \$250;
- ☒ Description of the decision under appeal; Failure to Act within 30 days of Administrative
- ☒ Description of the property subject to the appeal; officer
- ☒ Reference to the regulatory provisions applicable to the appeal; 4/12.2.2 Art 22.7.5, etc. Green Book
- ☒ Relief requested by the appellant; Code Enforcement Office
- ☒ Alleged grounds why such requested relief is believed proper under the circumstances.

See Attached Incorporated Notice of Appeal dated 12/30/2013

Office Use Only:

Check No. _____ Amount Paid _____ Zoning Permit # _____

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NOTICE OF APPEAL

DEPARTMENT OF
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TO THE
DEVELOPMENT REVIEW BOARD [DRB]
And the
ADMINISTRATIVE OFFICER

1. This is a Notice of Appeal to the Development Review Board [DRB], created pursuant to 24 V.S.A. Section 4460, (and by Ordinance to the Administrative Officer) dated December 30, 2013.

2. This appeal is pursuant to the authority Title 24 Section 4472, and Article 12 § 12.2.4 and § 12.2.5 as the exclusive remedy of the undersigned, Frederick P. Tiballi, an interested person who filed with the Administrative Officer as received by the Administrative Officer[with a duplicate Original to the Burlington Code Enforcement Office] November 27, 2013. "The signed, Written, Zoning Enforcement Complaint Form [Form bearing the date July 2010] with the attached and incorporated Complaint pursuant to Article 2 § 2.7.5; Article 2 § 2.7.6 including a Request Pursuant to Article 2 § 2.7.5 that the Administrative Officer, inform the complainant, in writing of actions that have been taken as required by Ordinance.

3. Pursuant to Article 1 § 1.1.10 the date November 27, 2013, as the "First Day was not counted, but all interim Weekend Days and all Holidays were counted and the 30th day of December 2013 is in fact either the Ordinance defined 31st date of the Deemed Decision of the Administrative Officer or beyond, but in any event within the fifteen days within which to appeal the Failure to Act and the Failure to Timely Act on behalf of the Administrative Officer.

4. The Deemed Decision, or Act Taken, or any Failure to Act, of the Administrative Officer, directly, (or through an agent or designee the Code Enforcement Office) is in the alternative 1 of the 3 as set forth below under the provisions of the Ordinance Article 1 Sec 1.1.10; Article 2; § § 2.7.5 ; § 2.7.6 , § 2.7.9 ; § 2.7.10 as well as Article 2 § 2.3.3 (a) and (b) ; Article 5 § 5.1.1 § 5.1.2; Sec 5.3.6 ; Article 10 Sec 10.1.5; (a) (b) and (c) § 10.1.11 (1) – (12) and § (a) (b) and (c) ; Article 12 § 12.0.1; § 12.2.2 and Sec 12.2.4

5. The Administrative Officer has either:

5.1. Made a Decision and/or Determination to do nothing. - A Decision by default. OR to take an action or actions (but to keep such information to themselves) and therefore not timely performing within the 30day period of required Decisions. OR

5.2 Made a Decision and/or Determination to Act Later or make a decision and or Determination Decision Deferred.; deferring action or actions (but to keep such deferral information to themselves) and therefore not timely performing within the 30day period of required Decision. Or Actions- including a deferment.. OR

5.3 Failed to made any Decision and/or Determination ; or failure to Act, and therefore not timely performing within the 30day period of required; Decision. Actions ; or Failure to Act as mandated by Ordinance within the 30 day Ordinance Literal requirements of Article 12 §12.2.2 and Article 2 § 2.7.5.

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6. The deemed DETERMINATION DECISION as of the 31st day the “ALLEGATIONS OF THE COMPLAINT” are deemed by Ordinance, and State Statute Provisions, to have been Determined [as in an Approval] that the Complaint alleging a violation(s) of the Comprehensive Development Review Ordinance has been Received and the Allegations do in fact allege Violation(s) of the Ordinance- NOT NECESSARILY PROVEN, BEYOND AN EVIDENTARY SET STANDARD OF GUILT, BUT ALLEGATIONS OF VIOLATIONS.

7. Based on the above the Administrative Officers actions are, or are deemed, to be a deemed referral to the DRB for Determination , by the DRB as to “whatever” action(s) are warranted as limited by the provisions of Article 12.2.2 as applied to Article 2 § 2.7.5; § 2.7.6 ; § 2.7.9 and § 2.7.10.

8. The remaining options based on the deemed decision that Violations of the Comprehensive Development Review Ordinance of the City of Burlington have been alleged combined with the DRB’s literal duty to Administer and Enforce the specific ordinances and follow the specific Requirements and Obligations imposed by Article 2 Sec, 2.7.5 as well as to in fact, in writing, timely inform the “Complainant” of the actions that have been taken to investigate the complaint allegations . AND

9. The DRB determining and deciding “whatever action is to be taken” which the DRB deems warranted , being mindful of the overarching duty and responsibility to literally enforce and administer all of the Ordinance by following the specific and limiting Options limited and proscribed by Article 2 § 2.7.9 Remedies; and Article 2 § 2.7.10 Appropriate Action : and mindfully Limited by Article 12 § 12.0.1

...No DRB may amend, alter, invalidate or affect any Ordinance, or the implantation or enforcement thereof, or allow any use, such as a boarding house use not permitted by Ordinance without a prior Valid and Final Zoning Permit of approval of authorizing Use, before the Use is lawfully commenced by Owner.

10. DRB, (as was the Administrative Officer) being limited and restricted by Article 2 § 2.7.9 Remedies in reference to violations of this ordinance, or violation of one or more conditions of approval authorizing permit decisions, the DRB as (the Administrative

Officer was) by Ordinance is directed to institute in the name of the city; any appropriate action as set forth in Article 2 § 2.7.10.

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- (i) an injunction or other proceedings to prevent, or restrain, correct, or update such use, such as a Boarding House Use;
 - (ii) to prevent in or about such premises of 85 Crescent Road, a purported 7,727 ft. lot any act, conduct, or use [as above]
- constituting a violation of this ordinance. The appropriate action required to be taken by the DRB, based on specific Public Policy procedures of the State, is to be a good faith effort, with due diligence, reasonably applied, to remedy the violation or violations which actions include but are not limited to any combination of the following requiring or directing :

(a) new zoning permit approving an authorizing a boarding house use, with conditions such as the required professional quality site plan clearly to scale showing all existing "Development" improvements of any kind on lot 85 of Crescent Road to date.

(b) DRB ordering the immediate removal of the structure and availability of Boarding House Use.

(c) directing the Code Enforcement Office to, until further notice to defer the issuance of a Zoning Certificate of Occupancy, even if approved in writing by the Administrative Officer and

(d) Direct the Administrator Officer to defer approval a Zoning Certificate of Occupancy until further directions of DRB or the Superior Court - Environmental Division and

(e) To calculate, for future possible assessment such triple fees against the Owner and the Property, as allowed under law, triple the standard fees, based on the Valid and Final, not appealed November 13, 2006 Notice of Violation [NOV] issued by the City against this same lot Owner for the same unpermitted use.

(f) Direct Administrative Officer to list and produce for the DRB, by date each and every Zoning Certificate of Occupancy that the Administrative Officer has in fact issued pursuant to Article 2 Sec, 2.3.6 and every Zoning Certificate of Occupancy that the Administrative Officer has in fact pursuant to Article 2 Sec, 2.3.6 and Article 3 § 3.2.11 in Writing prior to the date of issuance, the Administrative Officer has in fact "specifically authorized in writing by the Administrative Officer either the Code Enforcement Office or the Chief Building Inspector of the City or the Zoning Specialist, Jeanne Francis to issue such Zoning Certificate of Occupancy., at any time and for any Permit, for any size lot, for any Use or Development on 85 Crescent Road since June 15, 1995 to Date- and to produce such written authorizations, if any, and the associated Permits, if any, as a Public Document to the DRB.

(g) Direct Administrative Officer to list and produce for the DRB, by date each and every Zoning Certificate of Occupancy that the Administrative Officer has in fact issued for on or to 85 Crescent Road of and for any size and any use and any Development since June 15,1995 to date., as a Public Document.

11.This Notice of Appeal is filed within fifteen (15) days after the latest permissible date for Action or Decision of the Administrative Officer , the Deemed Decision and Determination of any failure to act under this chapter 24 V.S.A.- Chapter 117 or with respect any one or more of the provisions of the Ordinance , and this Notice of Appeal is filed within Fifteen(15) days thereof as an appeal to an Appropriate Municipal Panel (the DRB) or thereafter, if necessary from an adverse decision of this DRB such appeal to the State of Vermont Superior Court- Environmental Division.

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12.The name and address of the Appellant, an interested person, is Frederick P. Tiballi, who resides and has an address of 20 Crescent Terrace, Burlington, VT 05401.

13.The property as of date of the written signed Zoning Enforcement Complaint Form and the attached and incorporated written and signed Complaint alleging a Violation(s) of the Comprehensive Development Review Ordinance dated Received by the Administrative Officer and the Code Enforcement Office November 27,2013 was ,at times relevant, to the Complaint and this appeal, a Lot known as 85,Crescent Road: The Lots' Square Footage changes or purports to change in square footage area over the approximate Twenty (20) Year Span since 1995. In the main, the size does not determine the Ordinance principal violations of Operating a Boarding House Use, without a Valid and Final Zoning Permit, nor making the use available without sufficient On-site Parking available on site, and all without a Valid and Final Approval Authorizing Zoning Permit Decision which was in fact Picked

Up paid for ,Signed by Owner and otherwise Valid and Final constituting the required Zoning Permit.

14.Size of Lot, in square footage area however , for a specific date only being relevant as to the number of Violations and severity of non-conformity of the Ordinance Violations and the course of conduct of the Owner and “other Persons of Article 2 §2.7.6 , liability as an example of performance as judged by the standards of the Ordinances and Public Policy of the State and specifically of the State Constitution..

CHANGES IN SIZE; as relevant:

a. Of 15,000 square feet in area, having existing physical Bricks and Mortar Lot Coverage of 3,600 sf; (being 24% Lot Coverage Percentage of Lot Area of 15,000 Sf) 24% of 15,000 sf = 3,600 sf of Lot Coverage, as defined by Ordinance. [Generally the period June 1,1995 to unknown specific date., but stated to be December 17, 2008.

b. Of 14,947 - stated size, square feet in area, ALSO having existing physical

Bricks and Mortar Lot Coverage of 3,600 sf; (being 24.85 % Percentage of Lot Area of 14,947 Sf) Lot Coverage as defined by Ordinance. [Generally estimated from September 30, 2008 to unknown specific date, but stated to be December 17, 2008.

- c. Of 8,927 square feet in area, ALSO having existing physical Bricks and Mortar Lot Coverage of 3,600 sf; (being 40.01 % of Lot Coverage as a Percentage of Lot Area of 8,927 Sf). 3,600 sf of Lot Coverage as defined by Ordinance. [Generally December 17, 2008 to unknown specific date but has been stated to be June 17, 2009. As to 85 Crescent Road Lot.

- d. Of 7,727 square feet in area having, ALSO existing physical Bricks and Mortar Lot Coverage of 3,600 sf;++ (being 46.01 % as a Percentage of Lot Area of 7,727Sf) 3,600 sf of Lot Coverage as defined by Ordinance. [Generally as has been stated as June 17, 2009 to present Date.

Article 12 contains the regulatory provisions generally applicable to this appeal. The absence of a Valid and Final approved prior “ Zoning Permit” Decision authorizing “Development” as required for any Development is contain in the following Articles

Article 1 § 1.1.7 No Use of Land or Buildings Except in Conformity with

Ordinance [such as Boarding House Use, and Article 3 § 3.1.3 Zoning Permit

Required. , Article 2 § § 2.27.5; 2.7.6; § 2.79; § 2...7.10; Article 12 § 12.0.1 and

Article 12.2.2. And 24 V.S.A. Chapter 117.

Relief requested 15(a) – 15 (j) the following: of the DRB to do after due

consideration:

15.(a)The DRB pursuant to Article 2 § 2.5.7 direct the Administrative Officer Individually and /or collectively with the Code Enforcement Office and/ or Zoning Specialist Jeanne Francis to within Ten (10 Days deliver to the possession of the DRB, as a Public Document, (with a written copy and all attachments of any and all acts, actions exhibits reports memos to file, e- mails and any other form of communication(s) or data collection or data sharing constituting any form or part of the mandated Article 2 § 2.7.5 Investigations that the Administrative Officer from and after November 27,2013 was required to undertake as in “SHALL INVESTIGATE the complaint and as requested inform the complainant in writing of the actions that have in fact been taken between November 27,2013 and December 28,2013?

15.(b)The DRB to direct the Administrative Officer to direct the Code Enforcement Office , as part of the mandated investigation as described in 15. (a) above pursuant to Article 2 § 2.5.7 the Code Enforcement Office , Individually and or collectively with the Administrative Officer and/ or Zoning Specialist Jeanne Francis to within ten (10 Days deliver to the possession of the DRB, with a written copy and all attachments of any and all acts, actions exhibits reports memos to file e mails and any other form of communication(s) or data collection or data sharing constituting any form or part of the mandated Investigations that the Code Enforcement Office on behalf of the Administrative Officer from and after November 27,2013 was required to undertake as in “SHALL INVESTIGATE the complaint and as requested inform the complainant in writing of the actions that have in fact been taken between November 27,2013 and December 28,2013 Individually by Code Enforcement Office or Jeanne Francis and tend or collectively with the Administrative Officer ?

15. (c) Pursuant to Article 2 § 2.7.9 **Remedies** in reference to violations of this ordinance or violation of one or more conditions of approval of authorizing permit(s) Decisions

under this ordinance the DRB DIRECT the Administrative Officer to recommend , [with stated reasons justifying each of the recommendations to the DRB, what and scope of legal Proceedings should be Instituted in the name of the city,as recommended,, of each and all of the appropriate action, or actions as set forth in Article 2 § 2.7 .10 ; including an injunction or other proceedings to prevent or restrain, correct or update such Boarding House Use and to prevent in or about such premises of 85 Crescent Road [of whatever size in square feet area, { a purported 7,727 ft lot] and any other act, conduct or use constituting a violation of this ordinance.- such as insufficient on site parking since 1995, Together with the recommendation as to which appropriate action is recommended and why to the DRB. The Administrative Officer shall also as to each recommendation , advise the DRB specifically what steps have been taken , or will be taken or reasonably could be taken to assure upon its completion the Investigation and the recommendations proffered by the Administrative Officer outlining specifically what steps will or should be undertaken to assure a reasonable and good faith effort ,exercising all reasonable require due diligence; to remedy the violation or violations.

16.The actions to be recommended by the Administrative Officer ,and why, shall include but are not limited to any combination of the following to requiring:

- (a) A new , complete, and timely submitted to professional quality Zoning Permit Application be required of Owner to be filed , with the Department of Planning and Zoning; within a stated period of time,(not to exceed 60 days) from date of this Decision; seeking the approval Decision of an authorizing boarding house use[3 rooms] with conditions such as the required professional Quality site plan of all existing development improvements of any kind on Lot 85 of Crescent Road [of any size in square feet area.]
- (b) Confirming the deemed referral to the DRB by the Administrative Officer based on the failure to timely act.
- (c) Recommendations to the DRB as to ordering the immediate removal of the structure, such as the retaining Wall and Cease the Use as a boarding House until a new permit or permits are granted and become Valid and Final.
- (d) Directing the Code Enforcement Office, subject to further directions from the DRB or The Superior Court to until further directed to defer the issuance of any Zoning Certificate of Occupancy, even if approved in writing, by the Administrative Officer. Also directing the Administrator Officer to defer approval of a Certificate of Occupancy until further directions of DRB or the Superior Court - Environmental Division.
- (e) To calculate and recommend to the DRB the dollar amount per day each of the Violations should carry and why as reported back to the DRB within sixty (60) days.
- (f) To calculate and recommend to the DRB why all fees for permit or permits require on 85 Crescent Road should be LESS THAN TRIPPLE THE ordinance stated fees based on the Valid and Final January 13, 2006 Notice of Violation [NOV] as issued against this same property for the same Use without a valid and Final Permit become commencement of Use as a boarding House which operations

are presumed to be(for this report to the DRB) to have existed as daily violations since at least June 15, 1995.

- (g) To calculate and recommend to the DRB, why all COST for any and all Staff time [at the stated rate of Seventy Five (\$75.00) Dollars per hour as set forth in the January 13, 2006 NOV, now Valid and Final, not appealed and no longer subject to appeal. Staff time reimbursement to the City for all Staff Time associated with the Boarding House Use without a valid and Final Zoning permit since approximately February 15,2006 to the date a new permit if authorized is issued becomes Valid and Final

- (h) In light of the long standing delay of the Owner of 85 Crescent Road submission of a Professional Quality Site Plan [Since at least November 14,2006, without performance, and with many of the violations in the specific rely upon actual on the ground measurements that a professional Quality Site Plan should have revealed the base data,

- (i) Zoning Specialist Jeanne Francis be directed to obtain ,(at the cost and expense of the Owner and a charge against the Property, an on the ground actual measurement of each improvement , Development, Structure as defined by Ordinance as of November 27,2013 for inclusion in the Report to be filed with the DRB within 60 days from the date of this Decision as may be entered by the DRB . The Code Enforcement Office being directed to the retained powers and rights of the city specifically granted authority under the standard conditions of Zoning Permit 10-1042BA under **“Property Inspection By acceptance of this permit [Zoning Permit 07-301CA authorizes City Officials and/or their authorized representatives, access to the subject property [Lot 85 Crescent ROAD] for purposes of observing work in**

progress, inspecting and/or measuring the property or improvements.”Development”.

16(j) The Lot owner be directed after 60 days of the DRB order, to cease and desist operating or making available the boarding house Use until all “Development” improvements located on 85 Crescent Road Lot be identified and certified as to size and location and to be in full compliance with Code with an approved authorized Decision, pick –Up paid for Valid and Final Zoning Permit in Place, and direct that a claim of lien be placed on the property now or which has even been known as 85 Crescent Road since June 15,1995 to date for the security of potential fines and cost associated herewith.

16(k) Such fines and cost, including the cost of certifying the location and size of the Development of the rock walls, retaining wall(s) and all other existing improvements of the 85 Crescent Road 7,727 sf Lot, as such fines and cost are allowed by law ,until the violations are rectified. The cost and fines be assed against the Lot Owner and / or in the alternative in rem against the 85 Crescent Road Lot.

17..The alleged grounds why such requested relief [17(a)- 17 (k)] is believed proper under the circumstances:

17(1) The long history of boarding house use on property within the City of Burlington by Lot Owner without a Valid and Final Zoning Permit(s) [See 85 Crescent Road Notice of Violation dated January 13,2006 “Operating boarding house without an approved Zoning Permit; signed by Jeanne Francis, Zoning Enforcement Officer as one example and the course of conduct and Owners and Other Persons to date.

17.2 See also: the Minutes and Findings of the DRB dated August 8, 2006 in reference to the then 85 Crescent Road Lot restated “Minutes and Findings” in which this DRB[maybe with different members at one time or another] knew or should have known, and certainly STAFF knew or should have Known : August 8,2006:

The applicant is seeking approval for an existing, but un-permitted, boarding house use in her home. ...the boarding house use has not been discontinued... Action by Code Enforcement Office has prompted the applicant to re-apply. A notice of zoning violation has been issued [August 8, 2006] See also ZP 07-301 CA November 14, 2006 which was as of December of 2008 never picked up.

17(3) the See also: the Content of the Code Enforcement Office and Jeanne Francis in re January 13, 2006 Issued Final and Not appealed,- knew since at least July 15, 1995

The applicant OWNER although having filed an incomplete application for at least the second time as of January 17, 2006 seeking approval for an existing, but un-permitted, boarding house use in her home. ...the boarding house use has not been discontinued. Having existed since at least June 15, 1995 , as of August 8, 2006 and to date ZP 07-301 CA dated November 14, 2006 was as of December of 2008 never picked up, and as to any size lot and any size boarding house Use no such permit was ever picked up, paid for, Site Plan of professional quality filed, nor reviewed by Staff, nor approved by Staff, nor reviewed by this DRB nor Approved by this DRB and a Valid and Final actual permit did not and does not exist,.

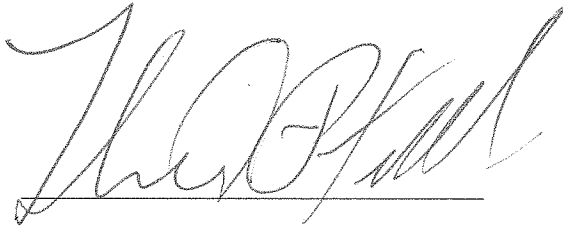
17.4 Enforcement, are **not discretionary**. Pursuant to Code § 1.1.7

"Use" " Occupancy" of a building or land relates to anything and everything that can ; that is done to, on or in that building or land" and all must be Code Compliant. See: Powers and Duties of §2.3. 3 and specifically the duty to literally, without power to permit any land development that is not in conformance with this Ordinance. TO ENFORCE Code as WRITTEN.

17. (5) The term SHALL, "Administrative Officer SHALL "is" mandatory and not merely directory '(pursuant to Code) requiring the administrative officer to administer by investigating fully the entire written complaint, as filed and received by the Administrative Officer et al November 27, 2013. Administer or administrating the

provisions of ORDINANCE "literally" BOARDING HOUSE USE REQUIRES A
VALID FINAL PERMIT BEFORE COMMENCEMENT OF USE_ NOT TWENTY
SOME YEARS LATER. Seeking forgiveness.

Respectfully Submitted Dated DECEMBER 30, 2013 by:

A handwritten signature in black ink, appearing to read 'Frederick P. Tiballi', written over a horizontal line.

Frederick P. Tiballi

Appellant

[Interested Person

Complainant]

20 Crescent Terrace

Burlington, Vermont

05401

Papa.t@comcast.net